THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION Nos. 19763 AND 19773 OF 2007

Dated 6th October, 2007

W.P.No.19763 of 2007

Between:

Super Spinning Mills Ltd.,
Green Fields, Puliakulam Road,
Coimbator-641045.

…Petitioner

and

Central Power Distribution Company of
Andhra Pradesh Ltd., Singareni Bhavan, Red Hills,
Lakdikapul, Hyderabad, represented by its
Managing Director.

…Respondent.

W.P.No. 19773 of 2007

Between:

Precot Meridian Ltd., Green Fields,
Puliakulam Road, Coimbotore – 641045.

…Petitioner

And

Central Power Distribution Company of
Andhra Pradesh Ltd., Singareni Bhavan, Red Hills,
Lakdikapul, Hyderabad, represented by its
Managing Director.

…Respondent.

ORAL COMMON ORDER:

In these two writ petitions, the petitioner-companies have questioned the impugned notices of disconnection.

It is the grievance of the petitioners that as per Section 56(1) of the Electricity Act, 2003 and the Electricity Supply Code, there is a stipulation of 15 days' clear notice for taking action to disconnect the power supply. In that view of the matter, the impugned notices are contrary to Section 46(1) of the Electricity Act, 2003 and the Electricity Supply Code as only seven days' time is given to the petitioners.

However, in the counter affidavit filed on behalf of the respondent, it is stated that though seven days' time was mentioned in the impugned notices, further time was granted for payment of the amounts due by the petitioners.

When Section 56(1) of the Electricity Act, 2003 provides for giving of 15 clear days' notice for the purpose of disconnection, no order can be passed for disconnecting the power supply without giving a notice of 15 days. As the impugned notices run contrary to Section 56(1) of the Electricity Act, 2003 and the Electricity Supply Code, the impugned notices are hereby set aside. However, if any arrears are payable by the petitioners, it is open fro the respondent to issue notice in accordance with law and recover the same.

The writ petitions are allowed to the extent indicated above. No costs.

6-10-2007 **R.SUBHASH REDDY, J.**

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